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From:	<u>Richard E. Lerner</u>	Date:	<u>February 21, 2012</u>
Attorney #:	<u>1366</u>	File #:	<u>07765.00155</u>
Re:	<u>Roe v. US v. Doe (10-2905, 11-479-CR /US v. Doe (98-CR-1101)</u>		

Recipient	Company	Fax No.	Phone No.
Hon. Brian Cogan	USDC/EDNY	(718) 613-2236	

cc: via email to
Todd Kaminsky
Nader Mobargha

Dear Judge Cogan:

We have yet to receive an order from you vacating the order to show cause that was issued without adherence to the Eastern District's rules or any response indicating you denied our assertion that you lacked the jurisdiction to sign the order to show cause and thus to implement any of it.

We will not submit a merits response (opposition) to Mr. Doe's papers until after you rule on our motion to quash or vacate the order to show cause that was improperly issued and in particular resolve the issue of jurisdiction. We reserve our right to raise all defenses, and call all witnesses we wish, and reserve our right to demand a jury trial, after the court rules on our motion to quash. Additionally, we will not respond to anything until the contempt proceeding is publicly docketed under its own docket number. In any event, we refer the court to all of the arguments that we made previously, the last time Mr. Doe's counsel tried this stunt, of making a motion for contempt without any basis whatsoever.

We take this position out of self-protection and because we specifically stated and continue and maintain that we had the right to, and did, respond or appear solely in and as a "special appearance" to contest jurisdiction and so cannot be compelled to or sanctioned for not

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responding generally, merits or otherwise, and by so doing held to have conceded jurisdiction.

Please note that we continue to object to this being treated as "under seal," and demand that it be docketed forthwith.

With all respect we suggest the court familiarize itself with *In re Oliver*, 333 US 257 (1948), in which the Supreme Court said that they could find no evidence of a secret criminal trial in all of American History, and before that since no later than 1641 and the abolition of the Star Chamber.

While it is obvious they never thought to look in the Eastern District, we have, and do not propose to enter history as participating in a Twenty-First Century Star Chamber.

Very truly yours,

/s/

Richard E. Lerner